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PAUL C. SCIFO  
233 BROADWAY  
SUITE 4703  
NEW YORK NY 10279

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EXAMINER	
AMSBURY, W	
ART UNIT	PAPER NUMBER
2307	10

DATE MAILED:

12/23/96

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

This is in response to the petition under CFR § 1.181, paper #17, to compel entry of the amendment of paper #10.

The petition has been treated as a request for reconsideration pursuant to CFR § 1.181(c).

Relief has been granted for the basis of the petition by entry of paper #10. See the corresponding action, Supplementary Examiner's Answer, paper #18.

This case is being forwarded to the Board of Appeals.

WAYNE AMSBURY  
PRIMARY PATENT EXAMINER  
GROUP 2300

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Ex parte* ROBERT FILEPP,  
KENNETH H. APPLEMAN,  
ALEXANDER W. BIDWELL,  
ALLAN M. WOLF,  
JAMES A. GALAMBOS,  
MEL BELLAR, AND  
SAM MEO

REMAILED  
May 19  
APR 28 1999 *dem*  
PAT.&T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Appeal No. 97-0782  
Application No. 08/158,029<sup>1</sup>

ORDER FOR COMPLIANCE WITH 37 CFR §1.192(c)(1) AND 37 CFR § 1.192(c)(2)

The Appeal Brief filed January 29, 1996 (Paper No. 11) does not comply with all the requirements of 37 CFR § 1.192(c) for the reason checked below.

- A. ☐ The Appeal Brief lacks, under an appropriate heading, a statement identifying the real party in interest, or a statement that the party identified in the caption of the brief is the real party in interest, pursuant to 37 CFR § 1.192(c)(1).<sup>2</sup>

<sup>1</sup> Application for patent filed November 26, 1993. According to appellants, the application is a division of Application 07/388,156, filed July 28, 1989, and a continuation-in-part of Application 07/328,790, filed March 23, 1989; which is a continuation-in-part of Application 07/219,931, filed July 15, 1988..

<sup>2</sup> 37 CFR 1.192(c) was amended effective April 21, 1995. 60 Fed. Reg. 14518 (March 17, 1995), 1173 Off. Gaz. Pat. & Trademark Office 62 (April 11, 1995).

08158029-11693

- B. ☒ The Appeal Brief lacks, under an appropriate heading, a statement identifying by number and filing date all other appeals or interferences known to appellant, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal, or indicating that there are no such appeals or interferences, pursuant to 37 CFR § 1.192(c)(2).<sup>3</sup>

Appellants are given a time period of ONE MONTH from the date of this order or any time remaining in the period under 37 CFR § 1.192(a) for filing a **supplement** to the Appeal Brief in triplicate. Under these circumstances, an entire new brief is not required. If a supplement to the brief that fully complies with the requirements under 37 CFR § 1.192(c) checked above is not timely submitted, the appeal will be dismissed. No extension of this one month time period may be obtained under 37 CFR § 1.136(a), but the original two-month period under 37 CFR § 1.192(a) for filing the brief may be extended under 37 CFR § 1.136(a) up to six months from the date of the Notice of Appeal.

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<sup>3</sup> *Ibid.*

Appeal No. 97-0782  
Application 08/158,029

To expedite matching of the **supplemental brief** with the application file, the supplemental brief should be transmitted by facsimile to the Board of Patent Appeals and Interferences at 703-308-7952, whenever possible.

By order of

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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Frances C. Han  
Program and Resource Administrator  
(703) 308-9797

08158029-11293  
E6927-62085780

Paul C. Scifo  
233 Broadway  
Suite 4703  
New York, NY 10279

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